



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE

MAR 05 2009

STATE OF ILLINOIS  
Pollution Control Board

**Lisa Madigan**  
ATTORNEY GENERAL

March 2, 2009

John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. Moline Place Development, LLC, et al.***  
**PCB No. 07-53**

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing and Motion for Summary Judgment-Crosstowne in regard to the above-captioned matter. Please file the original and return a file-stamped copy to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Raymond J. Callery  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

RJC/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

vs. )

MOLINE PLACE DEVELOPMENT, )  
L.L.C. and CROSSTOWNE PLACE )  
DEVELOPMENT, L.L.C., )

Respondent. )

PCB No. 07-53  
(Enforcement)

NOTICE OF FILING

RECEIVED  
CLERK'S OFFICE

MAR 05 2009

To: Crosstowne Place Development, L.L.C.  
c/o Michael R. Shamsie, R.A.  
455 Avenue of the Cities  
East Moline, IL 61244

STATE OF ILLINOIS  
Pollution Control Board


PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR SUMMARY JUDGMENT-CROSSTOWNE, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
RAYMOND J. CALLERY  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: March 2, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that I did on March 2, 2009, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and MOTION FOR SUMMARY JUDGMENT-CROSSTOWNE

To: Crosstowne Place Development, L.L.C.  
c/o Michael R. Shamsie, R.A.  
455 Avenue of the Cities  
East Moline, IL 61244

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid to:

Carol Webb  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794



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RAYMOND J. CALLERY  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 )  
 MOLINE PLACE DEVELOPMENT, L.L.C., )  
 and CROSSTOWNE PLACE )  
 DEVELOPMENT, L.L.C., )  
 )  
 Respondents. )

No. PCB 07-053  
(Enforcement-Water)

RECEIVED  
CLERK'S OFFICE

MAR 05 2009

STATE OF ILLINOIS  
Pollution Control Board

**MOTION FOR SUMMARY JUDGMENT-CROSSTOWNE**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Section 2-1005 of the Code of Civil Procedure, 735 ILCS 5/2-1005 (2006), and Section 101.516 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.516, hereby moves for Summary Judgment against the Respondent, CROSSTOWNE PLACE DEVELOPMENT, L.L.C. ("Crosstowne") on Counts III and IV of the Complaint. No Answer or responsive pleadings to the Complaint have been filed by Crosstowne and, therefore, no affirmative defenses have been pleaded. Complainant relies upon uncontroverted facts set forth in the Affidavit of James E. Kammueler and in the Request for Admission of Facts Directed to Crosstowne mailed on October 28, 2008. In support of this Motion, Complainant states as follows:

**I. STATEMENT OF UNCONTESTED FACTS**

1. On January 3, 2007, Complainant filed its complaint against Crosstowne.
2. On October 28, 2008, Complainant mailed to Crosstowne a Request for Admission of Fact and Genuineness of Documents.

3. Crosstowne has failed to respond to the Complaint and has failed to provide a sworn response to the Request for Admission of Fact and Genuineness of Documents.

4. Crosstowne is an Illinois limited liability company in good standing.

5. Michael R. Shamsie is the agent for Crosstowne and the principal office of Crosstowne is located at 455 42nd Avenue, East Moline, Illinois.

6. Mr. Shamsie is a licensed professional engineer and the president of an engineering firm known as Landmark Engineering Group, Inc. whose principal office is located at 455 42nd Avenue, East Moline, Illinois.

7. Crosstowne is developing a residential housing area commonly referred to as Crosstowne Place located near the intersection of 11th Avenue and Hospital Road, in Silvis, Rock Island County, Illinois.

8. Crosstowne Place discharges storm water into a small unnamed stream that passes along the south side of the site and eventually discharges into the Mississippi River.

9. When James E. Kammueler of the Illinois EPA originally inspected the construction site at Crosstowne Place on November 16, 2004, eight (8) homes were currently in some phase of construction.

10. On November 16, 2004, approximately half the three and 2/10ths (3.2) acre site was barren without erosion control measures and sediment deposits were present in the unnamed stream and also upstream of the pond outlet area at the rear of homes.

11. At the time of the November 16, 2004 inspection, Crosstowne had not applied for National Pollutant Discharge Elimination System ("NPDES") storm water permit coverage for Crosstowne Place and had no Storm Water Pollution Prevention Plan ("SWPPP").

12. On January 24, 2005, Illinois EPA issued NPDES permit No. ILR10C205 to

Crosstowne after a corrected "Notice of Intent" (NOI) was submitted listing Crosstowne rather than Landmark Engineering as the site owner.

13. When Mr. KammueLLer returned to re-inspect the status of storm water controls on January 25, 2005, a row of un-secured straw bales had been placed at the edge of the small stream on the south side of the site but no erosion controls were in place for the barren area to the west.

14. When Mr. KammueLLer re-inspected the Crosstowne Place site on January 27, 2006, the lots on the west end of the cul-de-sac were not seeded, did not have sod placement, and the vegetative density was less than 70%.

15. A "Notice of Termination" (NOT) was submitted by Crosstowne and the NPDES permit was terminated on July 11, 2006.

16. When Mr. KammueLLer re-inspected the Crosstowne Place site on September 20, 2006, the vegetation cover was not at the minimum 70% density for vacant lots 7, 8, and 9 nor along the very south sides of lots 2, 3, 4, 5, and 6.

17. Crosstowne began construction activities at Crosstowne Place without first obtaining coverage under the NPDES permit.

18. Crosstowne failed to maintain in good working order erosion and sediment control measures at Crosstowne Place.

19. Crosstowne caused or allowed sediment deposits to accumulate in the unnamed stream and also upstream of the pond outlet area at the rear of the site.

20. Crosstowne submitted a NOT for the site without first achieving final stabilization as required by the NPDES general permit.

21. Adjacent to Crosstowne Place is residential property commonly known as 1128

Hospital Road, Silvis, Illinois, owned by Randall Ward and Toni Ward (the "Ward Property").

22. Due to the higher elevation of the storm water inlet Crosstowne placed at the southeast corner of the site, storm water is caused to back up in the road ditch south along Hospital Road.

23. Because Crosstowne did not extend the outlet for the sewer along the south side of the site far enough to the west, storm water is caused to flood the backyard of the Ward Property.

## **II. ARGUMENT**

Counts III (Water Pollution) and IV (Permit Violations) of the Complaint are directed at Crosstowne. Attached hereto as Exhibit "A" is the Affidavit of James Kammuller. Attached hereto as Exhibit "B" is the Request for Admission of Fact and Genuineness of Documents Directed to Crosstowne Place, L.L.C. Crosstowne failed to respond to the Request for Admission of Fact and Genuineness of Documents. All statements of fact set forth in the Request for Admission of Fact and Genuineness of Documents are admitted. The genuineness of the NPDES permit and NOT attached to the Request for Admission of Fact and Genuineness of Documents is admitted. Section 101.618(f) of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618(f).

Michael R. Shamsie is the agent for Crosstowne. Mr. Shamsie is also a licensed professional engineer and the president of an engineering firm known as Landmark Engineering Group, Inc. Landmark Engineering Group, Inc. and Crosstowne share the same principal office located at 455 42nd Avenue, East Moline, Illinois. Landmark Engineering Group, Inc. has approximately 30 employees in four offices: Elgin and East Moline, Illinois; Clinton, Iowa; and Kansas City, Missouri. Its staff includes licensed engineers and land surveyors. Among the

services provided by Landmark Engineering Group, Inc. are “commercial and residential site design.”<sup>1</sup> As a licensed professional engineer and president of Landmark Engineering Group, Inc. Mr. Shamsie was well aware of the requirements of obtaining coverage under the general NPDES storm water permit and of preparing and implementing an adequate SWPPP.

The unnamed stream at Crosstowne Place and the Mississippi River are “waters” of the State as that term is defined in Section 3.550 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/3.550 (2006). The storm water discharged from the Crosstowne Place site constitutes a “contaminant” as defined by Section 3.165 of the Act, 415 ILCS 5/3.165. The storm water system at Crosstowne Place constitutes a “point source” as that term is defined in the federal Clean Water Act, 33 U.S.C. § 1362(14).

On January 24, 2005, Illinois EPA issued NPDES permit No. ILR10C205 to Crosstowne after a corrected “Notice of Intent” (NOI) signed by Mr. Shamsie listing Crosstowne rather than Landmark Engineering as the site owner was submitted. The NPDES permit issued to Crosstowne required it to develop a SWPPP according to good engineering practices (Permit, Part IV). Implementation of the provisions of the SWPPP is a condition of the NPDES permit. The SWPPP must be completed prior to the start of the construction. (Permit, Part IV.A.1). The SWPPP must be signed and retained on site (Permit, Part IV.B.1). A “Notice of Termination” (NOT) was submitted by Crosstowne and the NPDES permit was terminated on July 11, 2006. By filing a NOT Crosstowne certified that all disturbed areas of the site had been finally stabilized (Permit, Part II.F.1.d). “Final stabilization” means that a uniform perennial vegetative cover with a density of 70% cover for unpaved areas and areas not covered by permanent structures has been established (Permit, Part VIII).

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<sup>1</sup> Landmark Engineering Group, Inc., [www.landgroup.biz](http://www.landgroup.biz) (accessed on February 18, 2009).



Crosstowne commenced construction and development activity at the Crosstowne Place site without first obtaining coverage under the NPDES permit and without a SWPPP. Only after inspector KammueLLer visited the site on November 16, 2004 did Crosstowne apply for coverage under the NPDES permit. During the November 16, 2004 inspection, sediment deposits were observed to be present in the unnamed stream and also upstream of the pond outlet area at the rear of homes. When Mr. KammueLLer re-inspected the Crosstowne Place site on September 20, 2006, after the NOT had been submitted, final stabilization had not been achieved. Because Crosstowne placed the storm water inlet at the southeast corner of site at too high an elevation and did not extend the outlet for the sewer along the south side far enough to the west, storm water from the site is causing damage to the Ward Property.

There is no genuine issue of material fact as to any of the following: a) Crosstowne caused, allowed or threatened to cause water pollution by failing to provide adequate storm water pollution controls, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a)(2006); b) Crosstowne failed to obtain coverage under the general NPDES storm water permit prior to commencing construction site activities, in violation of 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2006); c) Crosstowne failed to prepare and implement an adequate SWPPP in violation of 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2006); and d) Crosstowne submitted an NOT prior to final stabilization being achieved at the site in violation of 35 Ill. Adm. Code 309.102(a) and Section 12(f) of the Act, 415 ILCS 5/12(f) (2006).

### **III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE**

After the Board finds a violation, the Board considers the factors set forth in Section 33(c) of the Act, 415 ILCS 5/33(c) (2006), to create an appropriate remedy. Those factors are:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Complainant states the following:

1. The water quality of the unnamed stream at the site and the Mississippi River was adversely affected by the inadequate storm water pollution controls and Crosstowne's failure to comply with the NPDES general storm water permit.

2. There is social and economic benefit in the construction of new homes at the site.

3. Construction activity at the site was suitable for the area in which it occurred.

4. Providing adequate storm water pollution controls and complying with the NPDES general storm water permit were both technically practicable and economically reasonable.

5. Sod placement was done around completed homes but 70% grass cover was not achieved for all the lots. A NOT was submitted by Mr. Shamsie on June 26, 2006 and the permit was terminated on July 11, 2006.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

To impose a civil penalty, the Board must consider the factors contained within Section 42(h) of the Act, 415 ILCS 5/42(h) (2006). Those factors are:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection (l) of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the Complainant states as follows:

1. At the time of the November 16, 2004 inspection, Crosstowne had not applied for NPDES storm water permit coverage for Crosstowne Place although construction had already commenced. Portions of the site were barren without erosion control measures and sediment deposits were present in the unnamed stream and also upstream of the pond outlet. When Mr.

KammueLLer re-inspected the Crosstowne Place site on September 20, 2006, final stabilization had not been achieved even though the NOT had been submitted by Crosstowne.

2. After inspector KammueLLer visited the site on November 16, 2004 Crosstowne did apply for coverage under the NPDES permit. Subsequent inspections found the storm water pollution controls remained inadequate. An NOT was submitted by Crosstowne in June 2006 even though final stabilization had not been achieved.

3. Crosstowne delayed or avoided the costs of implementing adequate erosion control measures at the site, delayed obtaining coverage under the general NPDES permit and prematurely terminated the permit. Crosstowne benefitted economically as a result of these acts of non-compliance.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Fifteen Thousand Dollars (\$15,000) will serve to deter further violations and aid in future voluntary compliance with the Act and Board Regulations.

5. To Complainant's knowledge, Crosstowne has no previously adjudicated violations of the Act.

6. Crosstowne did not voluntarily disclose the violations involved in this case.

7. The adjudication of this matter does not include a supplemental environmental project.

**WHEREFORE**, Complainant, People of the State of Illinois, respectfully requests that the Board enter a final order:

A) Granting Complainant's motion for summary judgment on Counts III and IV of the Complaint;

B) Finding that the Respondent, CROSSTOWNE PLACE DEVELOPMENT, L.L.C., violated Sections 12(a) and 12(f) of the Act, 415 ILCS 5/12(a) (2006), and 415 ILCS 5/12(f) (2006), and Section 309.102(a) of the Board's Regulations, 35 Ill. Adm. Code 309.102(a);

C) Ordering the Respondent, CROSSTOWNE PLACE DEVELOPMENT, L.L.C., to cease and desist from any further violations of the Act and associated Board Regulations;

D) Ordering the Respondent, CROSSTOWNE PLACE DEVELOPMENT, L.L.C., to lower the storm water inlet at the southeast corner of the site and to extend the sewer along the south side far enough to the west to avoid flooding of the adjacent Ward Property.


E) Awarding the Complainant a penalty of \$15,000 for the violations of the Act and associated Board Regulations;

F) Granting such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
RAYMOND J. CALLERY  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

Dated: March 2, 2009



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. ) No. PCB 07-053  
) (Enforcement-Water)  
Moline Place Development, L.L.C., and )  
Crosstowne Place Development, L.L.C., )  
)  
Respondents )

AFFIDAVIT OF JAMES E. KAMMUELLER

Upon penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that I verily believes the same to be true:

1. I, JAMES E. KAMMUELLER, am employed by the Illinois Environmental Protection Agency ("Illinois EPA"), as an inspector for the Division of Water Pollution Control, Field Operations Section, Peoria Region.

2. As part of my duties with Illinois EPA I inspected the residential housing development known as Crosstowne Place located near the intersection of 11th Avenue and Hospital Road, in Silvis, Illinois on November 16 and 17, 2004, January 25, 2005, January 27, 2006, and September 20, 2006.

3. My inspections of Crosstowne Place included walking around the site, observing the conditions present at the site, taking photographs, and preparing reports documenting my observations and factual conclusions.

4. My reports concerning my inspections of the Crosstowne Place site on November 16 and 17, 2004, January 25, 2005, January 27, 2006, and September 20, 2006 are attached to this affidavit and accurately record my observations and factual conclusions with respect to this

site.

5. Crosstowne Place Development, L.L.C. ("Crosstowne"), the owner of the development, commenced construction activities at Crosstowne Place without first obtaining coverage under the general NPDES permit for construction site activities.

6. Crosstowne failed to maintain in good working order erosion and sediment control measures at Crosstowne Place.

7. Crosstowne caused or allowed sediment deposits to accumulate in the unnamed stream and also upstream of the pond outlet area at the rear of the site.

8. Crosstowne submitted a Notice of Termination ("NOT") for the site without first achieving final stabilization as required by the NPDES general permit.

9. Adjacent to Crosstowne Place is residential property commonly known as 1128 Hospital Road, Silvis, Illinois, owned by Randall Ward and Toni Ward (the "Ward property").

10. Due to the higher elevation of the storm water inlet Crosstowne placed at the southeast corner of the site, storm water is caused to back up in the road ditch south along Hospital Road.

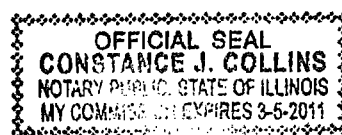
11. Because Crosstowne did not extend the outlet for the sewer along the south side of the site far enough to the west, storm water is caused to flood the backyard of the Ward Property.

FURTHER AFFIANT SAYETH NOT.

  
JAMES E. KAMMUELLER

Subscribed and Sworn to before me  
this 26th day of February, 2009.

  
NOTARY PUBLIC





MEMORANDUM

**SUBJECT:** Silvis -CrossTowne Place Subdivision  
(Rock Island County) Storm Water Inspection

**TO:** DWPC/FOS and RU

**FROM:** James E. Kammueler, DWPC/FOS, Peoria

**DATE:** 11-16-04 and 11-17-04 (for photos)

**INTERVIEWED:** Mike Shamsie, Owner/Developer (via phone 11-22-04)

On the above date, the subject inspection was conducted. This is a 3.2-acre site that will contain 12 homes (8 are currently in some phase of construction/completion). Mike Shamsie is the owner/developer, and his phone number is (309) 269-6350. Storm water drains mostly toward the west and south to an unnamed stream. One small retention pond was located on the west end of the site and the silt fence downstream of the pond outlet was over run with sediment. Sediment deposits were present in the stream and also upstream of the pond outlet area along barren slopes at the rear of homes.

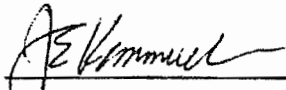
Due to the higher elevation of a storm water inlet at the SE corner of the site, it appeared storm water could back up in the road ditch south along Hospital road. This inlet discharges along the south side of the subdivision near an existing home (1128 Hospital Road). The 8" sewer outlet from this inlet should probably have been extended further to the west to avoid possible flooding in the backyard of the home.

Mr. Shamsie agreed to apply for a storm water permit and provide additional erosion control measures along the south and west edges of the site. He said the pond area was seeded on 11-18-04. About one-half of the site was barren soil during my visit (the south side and west end).

SUMMARY:

1. Need storm water permit and P2 plan.
2. Need immediate erosion controls along south and west sides of site including vegetation on barren areas around the pond.

3. The storm sewer installed along the south side of the site should probably be extended further to the west.
4. Surface water from the south side of the site needs to be directed away from the home at 1128 Hospital Road.
5. The storm water inlet at the SE corner of the site needs to be lowered.

  
James E. KammueLLer

JEK/

Attachment(s): Map and sketch.  
Photos and photo map location  
Crosstowne Home Information

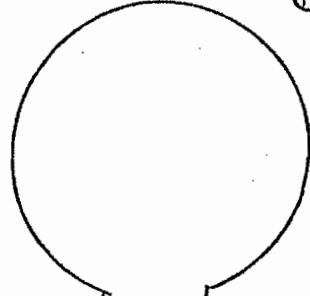
cc: -Peoria Files  
-Mike Shamsie



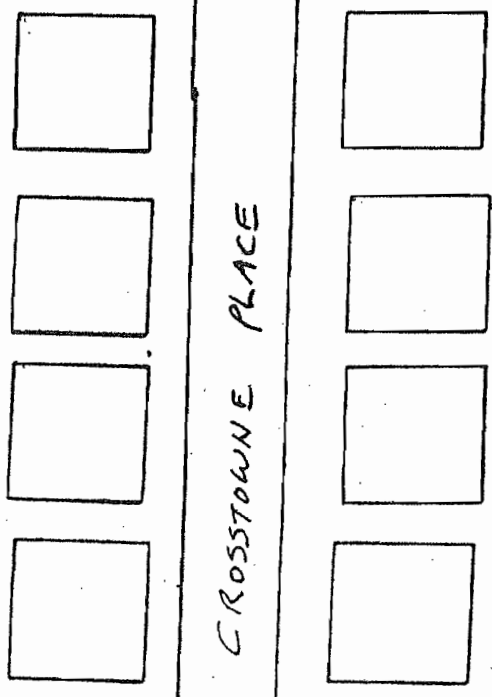


19TH AVE

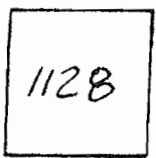
RETENTION POND



CROSSTOWNE PLACE



GARAGE



1128

8" STORM SEWER



DITCH

HOSPITAL ROAD

⊞ = STORM INLET

Tom Andryk 2/1  
#31

MEMORANDUM

**SUBJECT:** Silvis (Rock Island) -CrossTowne Place Subdivision  
Storm Water Inspection  
ILR10C205

**TO:** DWPC/FOS and RU

**FROM:** James E. KammueLLer, DWPC/FOS, Peoria Region

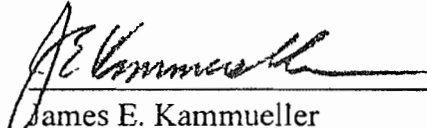
**DATE:** January 25, 2005

**INTERVIEWED:** Mike Shamsie, Owner/Developer (by phone 2-9-05)

On the above date, the subject inspection was conducted as a follow-up to my 11-16-04 visit. At this time sod had been placed in and around the retention pond. A small volume of flow (snowmelt) was entering the pond and being discharged. A row of straw bales had been placed at the edge of the small stream located behind the five (5) homes on the south side of the subdivision street (see sketch). No erosion controls were in place for the barren area west of these five homes.

Summary

1. Permit ILR10C205 was issued 1-24-05.
2. The retention pond outfall structure needs to be modified so that the pond retains water.
3. The straw bales need to be staked.
4. Refer to 11-16-04 report summary for additional items.

  
James E. KammueLLer

JEK/pf  
Attachment(s): -Sketch  
-Photos

cc: -Peoria Files  
-Mike Shamsie

**RECEIVED**  
Division of Legal Counsel

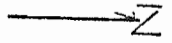
AUG 3 1 2005

Environmental Protection  
Agency

19TH AVE

RETENTION POND

○ = PHOTO LOCATION



GARAGE

1128

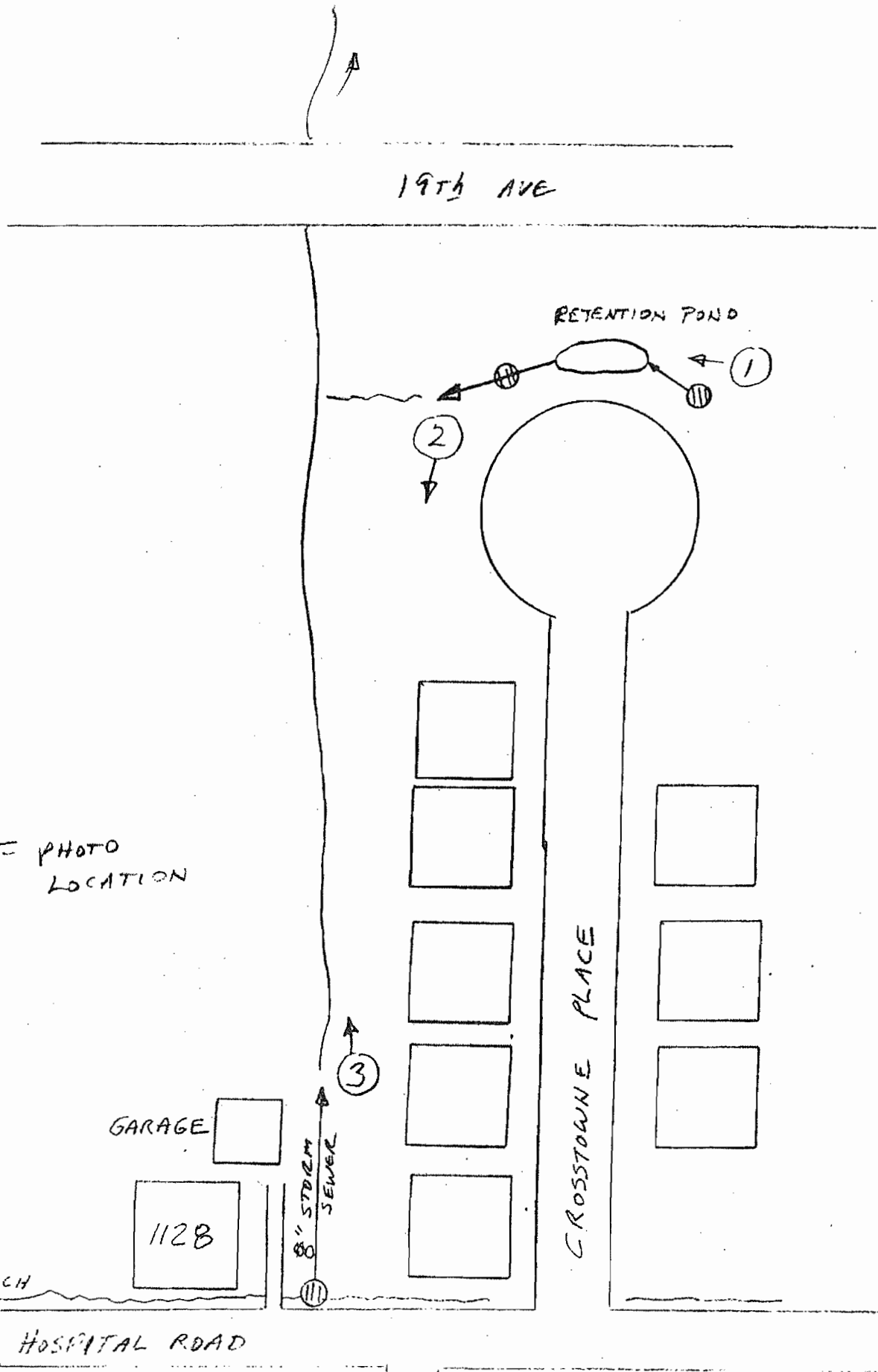
8" STORM SEWER

CROSSTOWNE PLACE

DITCH

HOSPITAL ROAD

⊕ = STORM INLET



MEMORANDUM

**SUBJECT:** Silvis  
(Rock Island)

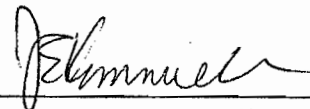
-CrossTowne Place Subdivision  
Storm Water Inspection  
ILR10C205

**TO:** DWPC/FOS and RU

**FROM:** James E. KammueLLer, DWPC/FOS, Peoria Region

**DATE:** January 27, 2006

Sod placement around completed homes appeared adequate. The lots on the west end of the cul-de-sac, near the retention pond, were not seeded, or have sod placement, and the vegetative density was <70%. No particular erosion problems were noted in this area that still includes the brush/tree dump pile. The retention pond outfall did not appear to have been modified to allow the pond to hold water.



James E. KammueLLer

JEK/pf

Attachment(s): -Photo

cc: -T. Andryk, DLC  
Peoria Files

MEMORANDUM

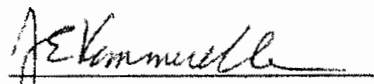
**SUBJECT:** Silvis -CrossTowne Place Subdivision  
(Rock Island County) Storm Water Inspection  
ILR10C205

**TO:** DWPC/FOS and RU

**FROM:** James E. KammueLLer, DWPC/FOS, Peoria

**DATE:** September 20, 2006

On the above date, the subject visit was made. It was noted that 70% density grass cover was not achieved in the lot 7, 8 or 9 areas, including the burn pile area (Photos #2 & 3), near the retention pond outfall, and along the very south sides of lots 2, 3, 4, 5 and 6 (Photo #3). Lots 7, 8 and 9 remain vacant with no construction to date. A NOT was submitted/signed on 6-26-06 by Mr. Shamsie and this permit terminated on 7-11-06.

  
James E. KammueLLer

JEK/jlj

Attachment(s): Map  
Photos

cc: -Peoria Files  
-T. Andryk, DLC

**RECEIVED**  
Division of Legal Counsel

NOV 22 2006

Environmental Protection  
Agency



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. ) No. PCB 07-53  
 ) (Enforcement-Water)  
 )  
 MOLINE PLACE DEVELOPMENT, L.L.C., )  
 and CROSSTOWNE PLACE )  
 DEVELOPMENT, L.L.C., )  
 )  
 Respondents. )

**REQUEST FOR ADMISSION OF FACT AND  
GENUINENESS OF DOCUMENTS DIRECTED  
TO CROSSTOWNE PLACE DEVELOPMENT, L.L.C.**

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, pursuant to Supreme Court Rule 216 and Section 101.618 of the Board's Procedural Rules, 35 Ill. Adm. Code 101.618, submits to CROSSTOWNE PLACE DEVELOPMENT, L.L.C. ("Crosstowne") this request for the admission of the truth of the following specified relevant facts and the genuineness of the attached documents within 28 days after service hereof. Failure to respond to the following requests to admit within 28 days may have severe consequences. Failure to respond to the following requests will result in all the facts requested being deemed admitted as true for this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding or an attorney:

1. Crosstowne is an Illinois limited liability company in good standing.
2. Michael R. Shamsie is the agent for Crosstowne and the principal office is located at 455 42<sup>nd</sup> Avenue, East Moline, Illinois.
3. Mr. Shamsie is a licensed professional engineer and the president of an

engineering firm known as Landmark Engineering Group, Inc. whose principal office is located at 455 42<sup>nd</sup> Avenue, East Moline, Illinois.

4. Crosstowne is developing a residential housing area commonly referred to as Crosstowne Place located near the intersection of 11th Avenue and Hospital Road, in Silvis, Rock Island County, Illinois.

5. Crosstowne Place discharges storm water into a small unnamed stream that passes along the south side of the site and eventually discharges into the Mississippi River.

6. When James Kammuehler of the Illinois EPA originally inspected the construction site at Crosstowne Place on November 16, 2004, eight (8) homes were currently in some phase of construction.

7. On November 16, 2004, approximately half of the three and 2/10ths (3.2) acre site was barren without erosion control measures and sediment deposits were present in the unnamed stream and also upstream of the pond outlet area at the rear of the homes.

8. At the time of the November 16, 2004 inspection, Crosstowne had not applied for National Pollutant Discharge Elimination System ("NPDES") storm water permit coverage for Crosstowne Place and had no Storm Water Pollution Prevention Plan ("SWPPP") on site.

9. On January 24, 2005, Illinois EPA issued NPDES permit No. ILR10C205 to Crosstowne after a corrected "Notice of Intent (NOI) was submitted listing Crosstowne rather than Landmark Engineering as the owner.

10. When Mr. Kammuehler returned to re-inspect the status of storm water controls on January 25, 2005, a row of un-secured straw bales had been placed at the edge of the small stream on the south side of the site but no erosion controls were in place for the barren area to the west.

11. When Mr. Kammuehler re-inspected the Crosstowne site on January 27, 2006,

the lots on the west end of the cul-de-sac were not seeded, did not have sod placement and the vegetative density was less than 70%.

12. A "Notice of Termination" (NOT) was submitted by Crosstowne and the NPDES permit was terminated on July 11, 2006.

13. When Mr. Kammueler re-inspected the Crosstowne site on September 20, 2006, the vegetation cover was not at the minimum 70% density for vacant lots 7, 8, and 9 nor along the very south sides of lots 2, 3, 4, 5, and 6.

14. Crosstowne began construction activities at Crosstowne Place without first obtaining coverage under the NPDES permit.

15. Crosstowne failed to actively maintain erosion and sediment control measures at Crosstowne Place.

16. Crosstowne failed to have qualified personnel perform inspections of disturbed areas of the construction site that had not been finally stabilized at least every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snow.

17. Crosstowne failed to have disturbed portions of the site where construction activities had temporarily or permanently ceased stabilized with seeding no later than 14 days after the last construction activity in that area.

18. Crosstowne failed to submit within 5 days an "Incidence of Noncompliance" (ION) report for violations of the SWPPP observed during a periodic inspection.

19. Crosstowne submitted a NOT concerning the construction site although the site had not been finally stabilized.

20. Adjacent to Crosstowne Place is residential property commonly known as 1128 Hospital Road, Silvis, Illinois, owned by Randall Ward and Toni Ward (the "Ward property").

21. Due to the higher elevation of the storm water inlet at the southeast corner of the

Crosstowne Place site storm water backs up in the ditch south along Hospital Road and drains onto the Ward property.

22. The storm water inlet at the southeast corner of the Crosstowne Place site needs to be lower to avoid drainage onto the Ward property.

23. The storm sewer installed along the south side of the Crosstowne Place site needs to be extended further to the west to avoid drainage onto the Ward property.

24. Installation of a berm is necessary to direct storm water discharges from the storm sewer outlet at the southeast corner of the Crosstowne Place site away from the Ward property.

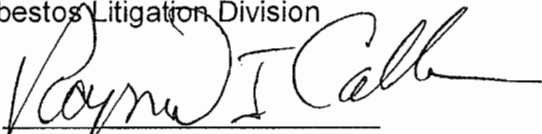
25. Attached hereto as Exhibit "A" is a true and correct copy of the NPDES permit issued to Crosstowne on January 24, 2005.

26. Attached hereto as Exhibit "B" is a true and correct copy of the NOT submitted by Crosstowne on June 26, 2006.

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
*ex rel.* LISA MADIGAN,  
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

By:   
RAYMOND J. CALLERY  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62076  
(217) 782-9031

Dated: October 24, 2008

## General NPDES Permit No. ILR10

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
[www.epa.state.il.us](http://www.epa.state.il.us)

### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

#### General NPDES Permit For Storm Water Discharges From Construction Site Activities

**Expiration Date:** May 31, 2008

**Issue Date:** May 30, 2003

**Effective Date:** June 1, 2003

In compliance with the provisions of the Illinois Environmental Protection Act, the Illinois Pollution Control Board Rules and Regulations (35 Ill. Adm. Code, Subtitle C, Chapter I), and the Clean Water Act, and the regulations thereunder the following discharges are authorized by this permit, in accordance with the conditions and attachments herein:

Permit Signed May 30, 2003

Toby Frevert, P.E.  
Manager  
Division of Water Pollution Control

#### Part I. COVERAGE UNDER THIS PERMIT

A. **Permit Area.** The permit covers all areas of the State of Illinois with discharges to any waters of the State.

B. **Eligibility.**

1. This permit shall authorize all discharges of storm water associated with industrial activity from construction sites that will result in the disturbance of one or more acres total land area, construction sites less than one acre of total land that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres total land area or construction sites that are designated by the Agency that have the potential for contribution to a violation of water quality standard or significant contribution of pollutants to waters of the State, occurring after the effective date of this permit (including discharges occurring after the effective date of this permit where the construction activity was initiated before the effective date of this permit), except for discharges identified under paragraph I.B.3 (Limitations on Coverage).
2. This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:
  - a. the industrial source other than construction is located on the same site as the construction activity;
  - b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
  - c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different NPDES general permit or individual permit authorizing such discharges.
3. **Limitations on Coverage.** The following storm water discharges from construction sites are not authorized by this permit:
  - a. storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;
  - b. discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A (Prohibition on Non-Storm Water Discharges) of this permit and in compliance with paragraph IV.D.5 (Non-Storm Water Discharges) of this permit;
  - c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit or which are issued a permit in accordance with Part VI.N (Requiring an Individual Permit or an Alternative General Permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;

- d. storm water discharges from construction sites that the Agency has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard; and
- e. Storm water discharges that the Agency, at its discretion, determines are not appropriately authorized or controlled by this general permit.
- f. Storm water discharges to any receiving water identified under 35 Ill. Adm. Code 302.105(d)(6).

**C. Authorization.**

- 1. In order for storm water discharges from construction sites to be authorized to discharge under this general permit a discharger must submit a Notice of Intent (NOI) in accordance with the requirements of Part II below, using an NOI form provided by the Agency, or be covered by a valid Illinois General NPDES Construction Site Activities Permit.
- 2. Where a new operator (contractor) is selected after the submittal of an NOI under Part II below, a new Notice of Intent (NOI) must be submitted by the owner in accordance with Part II.
- 3. For projects that have complied with State law on historic preservation and endangered species prior to submittal of the NOI, through coordination with the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources or through fulfillment of the terms of interagency agreements with those agencies, the NOI shall indicate that such compliance has occurred.

Unless notified by the Agency to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction sites under the terms and conditions of this permit in 30 days after the date the NOI is post marked.

The Agency may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

**Part II. NOTICE OF INTENT REQUIREMENTS**

**A. Deadlines for Notification.**

- 1. To receive authorization under this general permit, a discharge must either be covered by a valid Illinois General NPDES Construction Site Permit, or a completed Notice of Intent (NOI) in accordance with Part VI.G (Signatory Requirements) and the requirements of this part must be submitted prior to the commencement of construction. The NOI must be submitted at least 30 days prior to the commencement of construction.
- 2. Discharges that are covered by a valid Illinois General NPDES Construction Site Activities Permit as of May 31, 2003 are automatically covered by this permit.
- 3. A discharger may submit an NOI in accordance with the requirements of this part after the start of construction. In such instances, the Agency may bring an enforcement action for any discharges of storm water associated with industrial activity from a construction site that have occurred on or after the start of construction.

**B. Failure to Notify.** Dischargers who fail to notify the Agency of their intent to be covered, and discharge storm water associated with construction site activity to Waters of the State without an NPDES permit, are in violation of the Environmental Protection Act and Clean Water Act.

**C. Contents of Notice of Intent.** The Notice of Intent shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit by all of the entities identified in paragraph 2 below and shall include the following information:

- 1. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
- 2. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
- 3. The name, address and telephone number of the general contractor(s) that have been identified at the time of the NOI submittal;
- 4. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);
- 5. The number of any NPDES permit for any discharge (including non-storm water discharges) from the site that is currently authorized by an NPDES permit;
- 6. A yes or no indication of whether the owner or operator has existing quantitative data which describes the concentration of pollutants in storm water discharges (existing data should not be included as part of the NOI); and
- 7. A brief description of the project, estimated timetable for major activities, estimates of the number of acres of the site on which soil will be disturbed, and a certification that a storm water pollution prevention plan has been or will be prepared for the facility in accordance with Part IV of this permit prior to the start of construction, and such plan provides compliance with local sediment and erosion plans or permits and/or storm water management plans or permits in accordance with paragraph VI.G.1 (Signatory Requirements) of this permit. **(A copy of the plans or permits should not be included with the NOI submission).**

**D. Where to Submit.**

- 1. Facilities which discharge storm water associated with construction site activity must use an NOI form provided by the Agency. NOIs must be signed in accordance with Part VI.G (Signatory Requirements) of this permit. NOIs are to be submitted certified mail to the Agency at the following address:

Illinois Environmental Protection Agency  
 Division of Water Pollution Control  
 Attention: Permit Section  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276

2. A copy of the letter of notification of coverage or other indication that storm water discharges from the site are covered under an NPDES permit shall be posted at the site in a prominent place for public viewing (such as alongside a building permit).
- E. **Additional Notification.** Facilities which are operating under approved local sediment and erosion plans, grading plans, or storm water management plans, in addition to filing copies of the Notice of Intent in accordance with Part D above, shall also submit signed copies of the Notice of Intent to the local agency approving such plans in accordance with the deadlines in Part A above. See Part IV.D.2.d (Approved State or Local Plans).
- F. **Notice of Termination.** Where a site has been finally stabilized and all storm water discharges from construction sites that are authorized by this permit are eliminated, the permittee of the facility must submit a completed Notice of Termination that is signed in accordance with Part VI.G (Signatory Requirements) of this permit.
1. The Notice of Termination shall include the following information:
    - a. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds, or the nearest quarter section (if the section, township and range is provided) that the construction site is located in;
    - b. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity;
    - c. The name, address and telephone number of the general contractor(s); and
    - d. The following certification signed in accordance with Part VI.G (Signatory Requirements) of this permit:
 

"I certify under penalty of law that all storm water discharges associated with construction site activity from the identified facility that are authorized by NPDES general permit ILR10 have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with construction site activity by the general permit, and that discharging pollutants in storm water associated with construction site activity to Waters of the State is unlawful under the Environmental Protection Act and Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

For the purposes of this certification, elimination of storm water discharges associated with industrial activity means that all disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated.
  2. All Notices of Termination are to be sent, using the form provided by the Agency, to the address in paragraph II.D.1.

**Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**

**A. Prohibition on Non-Storm Water Discharges.**

1. Except as provided in paragraph I.B.2 and 2 below, all discharges covered by this permit shall be composed entirely of storm water.
2. a. Except as provided in paragraph b below, discharges of materials other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.
- b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharges is in compliance with paragraph IV.D.5 (Non-Storm Water Discharges): discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles where detergents are not used; waters used to control dust; potable water sources including uncontaminated waterline flushings; irrigation drainages; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

**B. Discharges into Receiving Waters With an Approved Total Maximum Daily Load (TMDL):**

Discharges to waters for which there is a TMDL allocation for sediment or a parameter that addressed sediment (such as total suspended solids, turbidity, or siltation) are not eligible for coverage under this permit unless you develop and certify a SWPPP that is consistent with the assumptions and requirements in the approved TMDL. To be eligible for coverage under this general permit, operators must incorporate into their SWPPP any conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. If a specific numeric wasteload allocation has been established that would apply to the project's discharges, the operator must incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation.

- C. Discharges covered by this permit, alone or in combination with other sources, shall not cause or contribute to a violation of any applicable water quality standard.

**Part IV. STORM WATER POLLUTION PREVENTION PLANS**

A storm water pollution prevention plan shall be developed for each construction site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with construction site activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction site activity and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

**A. Deadlines for Plan Preparation and Compliance.**

The plan shall:

1. Be completed prior to the start of the construction to be covered under this permit and updated as appropriate; and
2. Provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

**B. Signature, Plan Review and Notification.**

1. The plan shall be signed in accordance with Part VI.G (Signatory Requirements), and be retained on-site at the facility which generates the storm water discharge in accordance with Part VI.E (Duty to Provide Information) of this permit.
2. Prior to commencement of construction, the permittee shall provide written notification to the Agency of completion of the SWPPP and that said plan is available at the site.
3. The permittee shall make plans available upon request from this Agency or a local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
4. The Agency may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 7 days from receipt of notification from the Agency, the permittee shall make the required changes to the plan and shall submit to the Agency a written certification that the requested changes have been made. Failure to comply shall terminate authorization under this permit.
5. All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public at any reasonable time upon request. However, the permittee may claim any portion of a storm water pollution prevention plan as confidential in accordance with 40 CFR Part 2.

- C. **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the Waters of the State and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under paragraph D.2 below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with construction site activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan. Amendments to the plan may be reviewed by the Agency in the same manner as Part IV.B above.

- D. **Contents of Plan.** The storm water pollution prevention plan shall include the following items:

1. **Site Description.** Each plan shall, provide a description of the following:
  - a. A description of the nature of the construction activity;
  - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
  - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
  - d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
  - e. A site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
  - f. The name of the receiving water(s) and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
2. **Controls.** Each plan shall include a description of appropriate controls that will be implemented at the construction site. The plan will clearly describe for each major activity identified in paragraph D.1 above, appropriate controls and the timing during the construction process that the controls will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address as appropriate the following minimum components:



a. **Erosion and Sediment Controls.**

- (i) **Stabilization Practices.** A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in paragraphs (A) and (B) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- (A) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- (B) Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.
- (ii) **Structural Practices.** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
- (iii) **Best Management Practices for Impaired Waters.** For any site which discharges directly to an impaired water identified in the Agency's 303(d) listing for suspended solids, turbidity, or siltation the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event. If required by federal regulations or the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall adhere to a more restrictive design criteria.

b. **Storm Water Management.** A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are responsible for only the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

- (i) Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.
- (ii) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions, such as the hydroperiod and hydrodynamics present prior to the initiation of construction activities).
- (iii) Unless otherwise specified in the Illinois Environmental Protection Agency's Illinois Urban Manual, the storm water pollution prevention plan shall be designed for a storm event equal to or greater than a 25-year 24-hour rainfall event.

c. **Other Controls.**

- (i) **Waste Disposal.** No solid materials, including building materials, shall be discharged to Waters of the State, except as authorized by a Section 404 permit.
- (ii) The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

d. **Approved State or Local Plans.**

- (i) The management practices, controls and other provisions contained in the storm water pollution prevention plan must be at least as protective as the requirements contained in Illinois Environmental Protection Agency's Illinois Urban Manual, 2002. Facilities which discharge storm water associated with construction site activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by local officials. Requirements specified in sediment and erosion site plans or site permits or storm water management site plans or site permits approved by local officials that are applicable to protecting surface water resources are, upon submittal of an NOI to be authorized to discharge under this permit, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.
- (ii) Dischargers seeking alternative permit requirements are not authorized by this permit and shall submit an individual permit application in accordance with 40 CFR 122.26 at the address indicated in Part II.D (Where to Submit) of this permit, along with a description of why requirements in approved local plans or permits should not be applicable as a condition of an NPDES permit.

## NPDES Permit No. ILR10

3. **Maintenance.** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan.
4. **Inspections.** Qualified personnel (provided by the permittee) shall inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall. Qualified personnel means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer or other knowledgeable person who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activities.
- Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effectively preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
  - Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with paragraph IV.D.1 (Site Description) of this permit and pollution prevention measures identified in the plan in accordance with paragraph IV.D.2 (Controls) of this permit shall be revised as appropriate as soon as practicable after such inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.
  - A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph IV.D.2 (Controls) of this permit shall be maintained and retained as part of the storm water pollution prevention plan for at least three years from the date that the permit coverage expires or is terminated. The report shall be signed in accordance with Part VI.G (Signatory Requirements) of this permit.
  - The permittee shall complete and submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during an inspection conducted, including those not required by the Plan. Submission shall be on forms provided by the Agency and include specific information on the cause of noncompliance, actions which were taken to prevent any further noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance.
  - All reports of noncompliance shall be signed by a responsible authority as defined in Part VI.G (Signatory Requirements).
  - All reports of noncompliance shall be mailed to the Agency at the following address:
- Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assistance Section  
1021 North Grand Avenue East  
Post Office Box 76  
Springfield, Illinois 62794-9276
5. **Non-Storm Water Discharges.** - Except for flows from fire fighting activities, sources of non-storm water listed in paragraph III.A.2 of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and insure the implementation of appropriate storm water pollution prevention measures for the non-storm water component(s) of the discharge.
- E. **Additional requirements for storm water discharge from industrial activities other than construction, including dedicated asphalt plants, and dedicated concrete plants.** - This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:
- The industrial source other than construction is located on the same site as the construction activity;
  - Storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
  - Storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants (other than asphalt emulsion facilities) and dedicated concrete plants) are in compliance with the terms of this permit including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
- F. **Contractors.**
- The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in paragraph 2 below in accordance with Part VI.G (Signatory Requirements) of this permit. All certifications must be included in the storm water pollution prevention plan except for owners that are acting as contractor.
  - Certification Statement.** All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with paragraph 1 above shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:
- "I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit (ILR10) that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

**Part V. RETENTION OF RECORDS**

- A. The permittee shall retain copies of storm water pollution prevention plans and all reports and notices required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the permit coverage expires or is terminated. This period may be extended by request of the Agency at any time.
- B. The permittee shall retain a copy of the storm water pollution prevention plan required by this permit at the construction site from the date of project initiation to the date of final stabilization.

**Part VI. STANDARD PERMIT CONDITIONS****A. Duty to Comply.**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Illinois Environmental Protection Act and the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- B. **Continuation of the Expired General Permit.** This permit expires five years from the date of issuance. An expired general permit continues in force and effect until a new general permit or an individual permit is issued. Only those facilities authorized to discharge under the expiring general permit are covered by the continued permit.
- C. **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. **Duty to Provide Information.** The permittee shall furnish within a reasonable time to the Agency or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, any information which is requested to determine compliance with this permit. Upon request, the permittee shall also furnish to the Agency or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, copies of records required to be kept by this permit.
- F. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Agency, he or she shall promptly submit such facts or information.
- G. **Signatory Requirements.** All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Agency or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed.
  - 1. All Notices of Intent shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
    - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
  - 2. All reports required by the permit and other information requested by the Agency shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Agency.
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).
    - c. **Changes to authorization.** If an authorization under paragraph I.C (Authorization) is no longer accurate because a different individual or position has responsibility for the overall operation of the construction site, a new authorization satisfying the requirements of paragraph I.C must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
    - d. **Certification.** Any person signing documents under this Part shall make the following certification:
 

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- H. **Penalties for Falsification of Reports.** Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. Section 44(j)(4) and (5) of the Environmental Protection Act provides that any person who knowingly makes any false statement, representation, or certification in an application form, or form pertaining to a NPDES permit commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed \$10,000 for each day of violation.
- I. **Penalties for Falsification of Monitoring Systems.** The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the CWA. The Environmental Protection Act provides that any person who knowingly renders inaccurate any monitoring device or record required in connection with any NPDES permit or with any discharge which is subject to the provisions of subsection (f) of Section 12 of the Act commits a Class A misdemeanor, and in addition to any other penalties provided by law is subject to a fine not to exceed \$10,000 for each day of violation.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.
- K. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. **Transfers.** This permit is not transferable to any person except after notice to the Agency. The Agency may require the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C (Authorization).
- N. **Requiring an Individual Permit or an Alternative General Permit.**
1. The Agency may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Agency to take action under this paragraph. Where the Agency requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Agency shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the Agency indicated in Part II.D (Where to Submit) of this permit. The Agency may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Agency under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Agency for application submittal. The Agency may require an individual NPDES permit based on:
    - a. information received which indicates the receiving water may be of particular biological significance pursuant to 35 Ill. Adm. Code 302.105(d)(6);
    - b. whether the receiving waters are impaired waters for suspended solids, turbidity or siltation as identified by the Agency's 303(d) listing;
    - c. size of construction site, proximity of site to the receiving stream, etc.

The Agency may also require monitoring of any storm water discharge from any site to determine whether an individual permit is required.
  2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Agency at the address indicated in Part II.D (Where to Submit) of this permit. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
  3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to a discharger otherwise subject to this permit, or the discharger is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee remains in effect, unless otherwise specified by the Agency.
- O. **State/Environmental Laws.** No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.
- P. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- Q. **Inspection and Entry.** The permittee shall allow the IEPA, or an authorized representative upon presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

R. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### Part VII. REOPENER CLAUSE

- A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part I.C (Authorization) of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted according to provisions of 35 Ill. Adm. Code, Subtitle C, Chapter I and the provisions of 40 CFR 122.62, 122.63, 122.64 and 124.5 and any other applicable public participation procedures.
- C. The Agency will reopen and modify this permit under the following circumstances:
  1. the U.S. EPA amends its regulations concerning public participation;
  2. a court of competent jurisdiction binding in the State of Illinois or the 7<sup>th</sup> Circuit issues an order necessitating a modification of public participation for general permits; or
  3. to incorporate federally required modifications to the substantive requirements of this permit.

#### Part VIII. DEFINITIONS

"Agency" means the Illinois Environmental Protection Agency.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Commencement of Construction" - The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.)

"Dedicated portable asphalt plant" - A portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR 443.

"Dedicated portable concrete plant" - A portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

"Dedicated sand or gravel operation" - An operation that produces sand and/or gravel for a single construction project.

"Director" means the Director of the Illinois Environmental Protection Agency or an authorized representative.

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent stabilization measures (such as the use of riprap, gabions or geotextiles) have been employed.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- (i) Located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- (ii) Located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
- (iii) Owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"NOI" means notice of intent to be covered by this permit (see Part II of this permit.)

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

**"Storm Water Associated with Industrial Activity"** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 40 CFR 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this paragraph);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 311, 32, 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under subparagraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;
- (x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale unless otherwise designated by the Agency pursuant to Part I.B.1.
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)).

**"Waters"** mean all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon the State of Illinois, except that sewers and treatment works are not included except as specially mentioned; provided, that nothing herein contained shall authorize the use of natural or otherwise protected waters as sewers or treatment works except that in-stream aeration under Agency permit is allowable.

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 NOTICE OF TERMINATION (NOT)  
 OF COVERAGE UNDER THE GENERAL PERMIT  
 FOR STORM WATER DISCHARGES  
 ASSOCIATED WITH CONSTRUCTION SITE ACTIVITIES**

**RECEIVED**  
 JUN 30 2006

ILLINOIS ENVIRONMENTAL  
 PROTECTION AGENCY  
 BOW/WPC/PERMIT SECTION

**RELEASABLE**

Please use the tab or arrow keys

**OWNER INFORMATION**

NAME:	LAST Crosstowne Place Development	FIRST	MIDDLE	OWNER TYPE:	Private
MAILING ADDRESS:	455 Avenue of the Cities				
CITY:	East Moline	STATE:	IL	ZIP:	61244
CONTACT PERSON:	Mr. Michael Shamsie	TELEPHONE NUMBER:	AREA CODE 309	NUMBER 755-3400	

**CONTRACTOR INFORMATION**

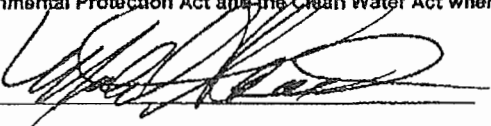
NAME:	LAST The Landmark Group	FIRST	MIDDLE	TELEPHONE NUMBER:	AREA CODE	NUMBER
MAILING ADDRESS:	455 Avenue of the Cities		CITY:	East Moline	STATE:	IL ZIP: 61244

**CONSTRUCTION SITE INFORMATION**

FACILITY NAME:	Crosstowne Place 12 Home Subdivision	OTHER NPDES PERMIT NOS.:	I	L	R	1	0	C	2	0	5
FACILITY LOCATION:	11th Avenue A Ct & Hospital Road										
CITY:	Silvis	STATE:	IL	ZIP:	61282	LATITUDE:		LONGITUDE:			
COUNTY:	Rock Island	SECTION:	IL	TOWNSHIP:	17N	RANGE:	1E				

DATE PROJECT HAS BEEN COMPLETED AND STABILIZED: March 15, 2006

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized or that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have otherwise been eliminated. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity by the general permit, and that discharging pollutants in storm water associated with industrial activity to Waters of the State is unlawful under the Environmental Protection Act and the Clean Water Act where the discharge is not authorized by an NPDES permit.

OWNER SIGNATURE:  DATE: 6/26/06

MAIL COMPLETED FORM TO:  
 (DO NOT SUBMIT ADDITIONAL DOCUMENTATION UNLESS REQUESTED)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
 DIVISION OF WATER POLLUTION CONTROL  
 ATTN: PERMIT SECTION  
 POST OFFICE BOX 19276  
 SPRINGFIELD, ILLINOIS 62794-9276

FOR OFFICE USE ONLY

LOG:
PERMIT NO. ILR10 _____
DATE:

Information required by this form must be provided to comply with 415 ILCS 6/39 (1986). Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.



